

1 THE LAW SOCIETY OF MANITOBA and

2 DAVID MICHAEL BRADLEY

3 REASONS

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PANEL MEMBERS:

J. McLandress (Chair)

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J. Cooper, Q.C.

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M. Grindey

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COUNSEL FOR THE LAW SOCIETY OF MANITOBA:

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R. Kravetsky

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COUNSEL FOR MEMBER:

S. Vincent

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Hearing held at The Law Society of Manitoba,

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219 Kennedy Street, Winnipeg, Manitoba, February 19, 2016.

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FOUR SEASONS REPORTING

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91 Ashford Drive

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Winnipeg, Manitoba R2N 1K7

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(204) 256-2343

1 THE CHAIR: Thank you. We have had a chance to
2 come to a conclusion, and we will give you a full decision
3 right now.

4 Mr. Bradley's case comes before the Society
5 charged under three citations dated in August, September
6 and December of 2015. Over the course of a period of years
7 Mr. Bradley committed 22 offences contrary to 10 separate
8 rules of the Society, as well as breaches of the Society's
9 accounting rules.

10 He repeatedly lied to his clients. He failed
11 to serve his clients and provide them with the quality of
12 service they were entitled to expect. He lied to other
13 lawyers. He lied by his silence to a prior discipline
14 panel.

15 Most seriously, he misappropriated client
16 funds. It appears he did not do so in the sense of putting
17 the money into his own pocket, but he clearly did so as a
18 means to cover up his previous lies.

19 The charges involve, by my count, 11 different
20 clients, each of whom has suffered some sort of loss or, at
21 the very least, serious inconvenience.

22 Although the status of their claims and cases
23 is not before us, it is fortunate there is insurance in the
24 reimbursement fund in place to keep them whole to the
25 extent that that is appropriate. The cost of this, of

1 course, and of Mr. Bradley's actions, will be borne by the
2 remainder of the profession.

3 This case comes before us by way of guilty
4 plea, and a joint recommendation as to disposition.
5 Bearing in mind the Manitoba Court of Appeal's decision in
6 R. v. Thomas, which has been cited by previous panels, this
7 panel should only depart from a joint recommendation put
8 forward by experienced counsel if it has, and I quote,
9 "clear and cogent reasons for doing so".

10 Having reviewed the very thorough agreed facts
11 and documents prepared by counsel to the parties, and
12 having taken note of the thorough and thoughtful submission
13 from the Society's counsel, the panel sees no basis to
14 depart from the joint recommendation.

15 As noted earlier, the offences are extremely
16 serious. Mr. Bradley has been disciplined previously, to
17 no effect. We accept that Mr. Bradley is, as counsel for
18 the Society said, simply unworthy of being a lawyer.

19 The rule for cases such as this is disbarment
20 in the absence of exceptional circumstances. There are
21 none. Mr. Bradley's cooperation, acceptance of
22 responsibility and expressions of regret, given through his
23 counsel, are commendable, but they do not take away from
24 the seriousness of what he did.

25 Under the circumstances we accept the joint

1 recommendation, and make the findings that the allegations
2 in the citations have been proven. We find that
3 Mr. Bradley is guilty of professional misconduct as alleged
4 in those citations, and we make the order that Mr. Bradley
5 be disbarred, and that he pay a contribution to the costs
6 of the Society of \$22,500.

7 Finally, we would like to thank counsel for
8 their efforts, clearly this was a complicated case, and it
9 is commendable that you both worked together to put it
10 together in order to us in such a straightforward manner,
11 so thank you very much.

12 MR. KRAVETSKY: These then will be transcribed
13 and constitute your reasons, as I understand it?

14 THE CHAIR: That would be our wish, yes.

15 MR. KRAVETSKY: Thank you. I have nothing
16 else.

17 THE CHAIR: Mr. Vincent, anything?

18 MR. VINCENT: No, Mr. Chair, nothing else.

19 THE CHAIR: Then thank you very much for your
20 time.

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23 (REASONS CONCLUDED AT 11:11 A.M.)
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CERTIFICATE OF REPORTER

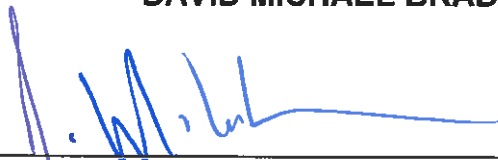
I, DON BARRETT, Court Reporter, do hereby certify that the foregoing pages, numbered 1 to 4, are a true and accurate transcript of the proceedings herein as recorded by me to the best of my skill and ability.

 Don Barrett

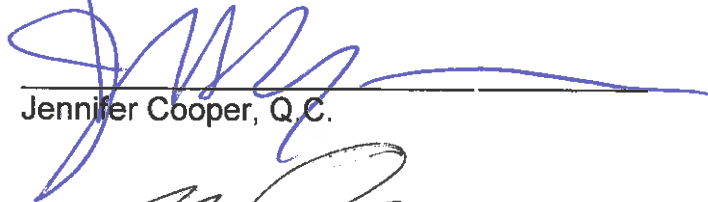
Don Barrett
Court Reporter

THE PRECEDING 5 PAGES CONSTITUTE
THE DECISION AND REASONS FOR
DECISION OF THE DISCIPLINE COMMITTEE
OF THE LAW SOCIETY OF MANITOBA
RENDERED THE 19th DAY OF FEBRUARY,
2016, IN THE MATTER OF:

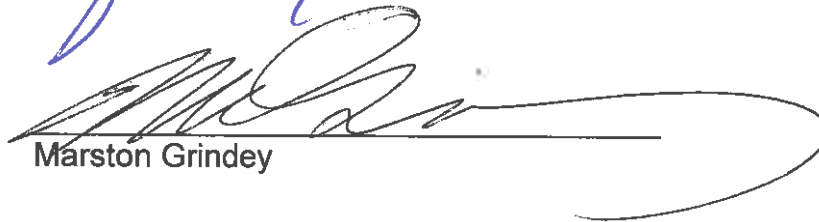
DAVID MICHAEL BRADLEY



James McLandress, Chair



Jennifer Cooper, Q.C.



Marston Grindey

